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May 14, 2020

Via E-Mail

The Hon. Sarah Netburn  
United States Magistrate Judge  
Thurgood Marshall Courthouse  
40 Foley Square, Room 430  
New York, NY 10007

Re: *Rich v. Fox News Network LLC, et al.*, No. 18-cv-2223

Dear Judge Netburn:

Fox's May 11, 2020, letter wrongly asserts that Plaintiffs failed to properly serve Ed Butowsky,<sup>1</sup> improperly advances new legal arguments on Butowsky's behalf, rehashes what was already briefed, and offers new evidence that raises more questions than it answers (confirming that factual issues require that the motions be denied). Plaintiffs will not respond further on the merits unless the Court requests it.

Sincerely,



Elisha Barron  
*Counsel for Joel & Mary Rich*

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<sup>1</sup> Fox's (as yet unexplained) decision to designate as "Highly Confidential" two documents—reflecting Mr. Butowsky's travel to Fox's New York office to bolster the Fox/Zimmerman Article—prevented Plaintiffs from serving Mr. Butowsky with an unredacted letter and one exhibit without Fox's consent, as Fox acknowledges. Plaintiffs sought Fox's consent on May 6, the same day Plaintiffs filed their letter, and served Mr. Butowsky on May 7, minutes after receiving Fox's consent.